

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ALICIA COLON,

Plaintiff,

5:23-cv-913 (BKS/TWD)

v.

ANTHONY DAVIS,
MONIQUE WRIGHT-WILLIAMS,
NINA VERGARA and
SYRACUSE CITY SCHOOL DISTRICT,

Defendants.

Appearances:

Plaintiff pro se
Alicia Colon
Syracuse, NY 13204

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Alicia Colon commenced this proceeding under 42 U.S.C. § 1983, and sought leave to proceed *in forma pauperis* (“IFP”). (Dkt. Nos. 1, 2, 6). This matter was referred to United States Magistrate Judge Thérèse Wiley Dancks who, on August 30, 2023, granted Plaintiff’s application to proceed IFP, and on February 1, 2024 issued a Report-Recommendation, recommending that Plaintiff’s amended complaint be dismissed without prejudice and with leave to amend. (Dkt. No. 15). Plaintiff was informed that she had fourteen days within which to file written objections to the report under 28 U.S.C. § 636(b)(1), and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 12-13). Plaintiff did not file an objection to the Report-Recommendation.

As no objection to the Report-Recommendation has been filed, and the time for filing

objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is hereby

ORDERED that Magistrate Judge Dancks’s Report-Recommendation (Dkt. No. 15) is **ADOPTED**; and it is further

ORDERED that Plaintiff’s Amended Complaint (Dkt. No. 6) be DISMISSED without prejudice and with leave to amend; and it is further

ORDERED that any second amended complaint must be filed **within thirty (30) days** of the date of this Order. Any second amended complaint must be a complete pleading which will replace the current complaint in total, and any amended complaint must comply with Magistrate Judge Dancks instructions in the Report-Recommendation (Dkt. No. 15, at 8–11); and it is further

ORDERED that if Plaintiff files a timely second amended complaint, it shall be referred to Magistrate Judge Dancks for review; and if Plaintiff fails to file a timely second amended complaint, the Clerk is directed to close this case without further order; and it is further

ORDERED that the Clerk serve a copy of this Order on Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: April 10, 2024
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge